App. F. IX-4

Previous References
Mus 174-30
Mu-2

1931-32
Mustrat

File No. 74-31
Serial Nos. 1 to 2

Later References
Mus 141 1-4

General and Revenue Secretariat.

Serial Nos. 2

Part B for October 31

SUBJECT.

Review petition of Desada Siddabasappa Shetty & others re taking over under Govt management Dodda matt at Akkipet Bangalore City etc.

To. Mus Court No 484 dt 3.10.31
Forwards copy of the order rejecting the ~~pet~~ petition

To. Mr. N.V. Narasimhaiyengar, Advocate for petitioner - No 485 dt 3.10.31
Rejects the petition

Muz

Sg 31-32

General and Revenue Secretariat Muz File No 74 App. F. III—2j 1931-2

Serial No

Petition of 5-9-1931 filed by Mr. N. V. Narasimha Iyengar Advocate Bangalore city filed on behalf of his client Desai Siddappa Setty praying for a revision of orders passed in Muzrai appeal No. 12 of 30-31 in respect of Woodmill at Akkipet Bangalore city.

(1) Kind reference is invited to the exhaustive orders in paras 36 to 40 (Hag. H.) in Muz file 174-30-9 placed forward. It is respectfully submitted that there are no good grounds for a reconsideration of the orders already passed in the matter. If approved, the petition may be rejected. (2) The allegations made by MBK in the petn have no doubt been met by fore orders quoted above. Whether the point raised at para 39 (muz. 174-30. Sb 1-9) should be pursued is for orders.

x pages 9 to 10 of the reference.

3254/24

28/9/31

N.

H. Secy) (3) VS 24.9.31

2nd secretary) (4) h 26/9/31

VS

(5) This petn may be rejected

SM 29/9

OFFICE OF THE SECRETARY TO GOVT. 2 SEP. 1931 No. 1247

NOTE—Contn Sheet

WD 02053—G PB—50,000—8 7 0

Mug File No 74

General and Revenue Secretariat

(1) Opn Subd
Fl. Secy
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2.10.31

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7) h
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(I do not know why the file is marked here)

8) Issue
3.10.31

Memo no 484 of 3-10-31 to the Mysore Commissioner forwarding copy of the order rejecting the review application.

Memo no 485 of 3-10-31 to Mr. N. U. Narasimha Rajapur Advocate for the Petitioner. intimating the order passed in the matter.

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B
8/10/31

5.9.31

TWO RUPEES

258.
SEP 1931

BEFORE THE GOVERNMENT OF H.H.THE MAHARAJA
MYSORE AT BANGALORE.

Muzrai Appeal No. 13 of 1930-31.

Muz 74-31-1

Appellant: Vs Respondent:

N.Basattappa, Landi Merchant, residing at Manavartnapet, Bangalore City.

Desada Siddabasappa Setty, Kuber Sahuji Lane, Bangalore City.

Muz rev. 5 of 31-32

Mysore Pr
5/9/31

The abovenamed respondent respectfully begs to apply for a review of the order passed in the above appeal, copy of which was received by the advocate for the respondent on or about the 5th June 1931 and begs to state as follows :-

1. The 2nd respondent Basalingasetty died after the appeal was filed. He had no personal interest in the Mutt in question or its properties. Hence the 1st respondent above has filed this application.

2. The enquiry was started by a petition dated 31-8-23 signed by more than one hundred members of the Veerasaiva community of Bangalore, the two respondents being among the signatories. The petitioners' contention is that the Mutt in question is a religious institution belonging to the community, that the mutt in dispute is the mutt referred to in the original sannad and Inam

Settlement

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Settlement as "Arlepet Podda Matha"; that the Devadaya Inam lands were granted to the mutt in dispute. Whereas the contention of the Appellant is that the mutt is a private institution, that the inam lands were granted to another mutt in Arlepet, and that the lands were handed over ~~the~~ to Chennaveera Devaru, the Swami of the Mutt in dispute by the Swamin of the other Mutt under D 34 of 1849.

3. The Appellant has stated in his - evidence that Akkipet is also known by the name of Manavartapet. [illegible] and gives his residence as Manavrtapet. His witnesses also say so. The respondent begs to submit that the ~~authorities~~ authenticated copies produced by him and referred to below go to show that both Manavarthapet and Subramanya galli formed part of Arlepet. They ~~ar~~ are (1) notice dated 11th October 1897 from the Bangalore Municipal Office and bearing the seal of the Municipality addressed to one Revanna reciting "[illegible]" (2) Document dated 15-2-1904 executed by Mr. B.V.Lakshman Rao in favour of the Dewan of Mysore in respect of building advance; (3) Document dated 5-7-1900 in favour of the Mysore Government by Mr.Subba Rao in respect of land acquired under the Land Acquisition Regulation.

4. In D. 37 dated 19-12-1877 by Chenna-veera Devaru in favour of Basavalinga Devaru, brother of appellant, the Northern boundary of the Mutt is given as "[illegible]". The appellant in his evidence has stated "[illegible]" From the above and the evidence of witnesses, it is made out that the Mutt in dispute had an entrance opening towards a lane to the North known as ~~Arlepet~~ Subramanya Galli, which formed part of Arlepet. Thus it is clear that the Mutt in dispute is the only Mutt - known as Arlepet Dodda Matha and referred to in the Inam Settlement. The other - mutt referred to ~~in the Inam Settlement~~ - by the Appellant is known as Thotada Devara Matha or Neragund Devara Matha which is in a lane leading to Arlepet known as Thotada Devara Galli.

5. In Col.10 of the statement of Chenna-veera Devaru at the Inam Settlement, the expression used is "[illegible]". This was in 1875. From D.37 of 1877 it is evident that in the Mutt in dispute there was a "[illegible]" by name Basalinga Mari Devaru (brother of the Appellant) who was to be the successor of Chenna-veera Devaru and who had to be supported. The

two

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two being independent the Swami of ~~the~~ one Mutt cannot be called the Shishya of the other Mutt. It is therefore submitted that it is quite reasonable to suppose that the Shishya referred to in Col 10 must be Basalinga Mari Devaru but not the Guru of the other Mutt. In Col.8 of the Inam Register we find the object of the grant is stated to be " for the support of Dodda Matha in Arlepet, Banalore."

6. If Chennaveera Devaru held the lands for the benefit of the other mutt under D 34 he certainly would have stated so at the Inam Settlement and produced - D 34. We find he has not done so, but gave the statement as the head of the Mutt in dispute, and the Inam Settlement Officer also treated as though the grant was made to the Mutt over which Chenna-veera Devaru presided. The long uninterrupted possession of the lands by the Sannad by Chennaveera Devaru and the present appellant from 1849 as admitted by the appellant himself strengthens the conclusion that the Inam lands were granted to the mutt in dispute. - Further Karibasavaswami, who, the appellant admits, is the Swami of the other Mutt, has filed peitions to the Amildar and the Deputy Commissioner stating that no

Inam

Inam lands were granted to his mutt and that his mutt is not a Muzrai institution.

7. In order to explain away the long uninterrupted possession of the Inam lands, the appellant has put forward the special case of transfer by the Swami of the other Mutt to Chennaveera Devaru, the Swami of the mutt in dispute, under D 34 of 1849. In proof of this transfer except the production of D 34 no other evidence oral or documentary is produced. In fact the appellant in his deposition says that he personally is not aware of the transfer and the witnesses to D 34 are all dead. D 34 is on a blank paper not registered. It is not referred to in the documents executed by Chennaveera Devaru D 37 and D 41, nor is it referred to in the Inam Settlement. There is nothing to show that it was produced in any other previous proceeding. It is therefore submitted that mere production of D 34 is no proof of its genuineness or of the transfer under it. The special case put forward by the appellant not having been proved, the conclusion is irresistible that the mutt in dipute which has been

in the

in the enjoyment of the Inam land is the very mutt to which the grant was made.

8. It is submitted that the evidence ~~stat~~ and circumstances stated above are sufficient to justify the conclusion that the Inam lands were granted to the mutt in dispute and confirmed during the Inam Settlement for the benefit of the mutt in dispute and - that therefore the mutt in dispute is a Muzrai institution.

9. There is ample and satisfactory evidence on record that the mutt is a religious institution possessing properties yielding monthly income of over Rs 100/- as stated by the appellant himself, which income the - appellant has been appropriating for his own purposes as admitted in his ~~dispos~~ deposition. It is therefore submitted that it calls for an immediate interference on the part of the Government.

10 The respondent respectfully prays that the Government may be pleased to hear the parties once again to reconsider the order already passed and to take over the management and make suitable arrangements for the proper administration of this public religious institution.

Desada Siddabasappa Shetty

M Narasimha
adv. for Respondent 5/9/31

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N. V. NARASIMHA IYENGAR, B.A., B.L.,
AND
T. R. SREENIVASA IYENGAR B.A., LL.B.
ADVOCATES.

COURT FEE
TWO RUPEES

In the Court of

Before the Government of His Highness the Maharaja of Mysore

Mysore appeal CASE No. 12 OF 1930-31

Appellant		Respondent
N. Basappa	Vs.	Desada Siddabasappa Setty

Siddabasappa Setty the Respondent above named do hereby nominate and appoint Messrs. N. V. Narasimhaiengar, B.A., B.L., and T. R. Srinivasa Iyengar, B.A., LL.B., in the above suit and I do hereby empower the said adv to appear for and on my behalf arising out of or in connection with the above suit either during progress or after its decision, to sign and subscribe their names to any document which they may deem proper, to execute any decree that may be passed on my favour and to receive out of the said Court any sum of money which may be lodged or become payable or receivable on my behalf and on receipt thereof to grant receipt or other sufficient discharges for the same, to withdraw, compromise or refer to arbitration the said suit to appoint one or more substitute or substitutes and to act and perform all other matters and things relating to or connected therewith, to represent me in matters relating to the same and to act in the premises as fully and effectually to all intents and purposes as I might do if personally present and did the same. And I do hereby agree to pay all fees, costs, charges and expenses which may be incurred and to allow ratify and confirm all and singular whatsoever the said adv shall lawfully do or cause or procure to be done in the premises by virtue of these presents.

In witness whereof I have hereunto set my hand this 5 day of September 1931.

Desada Siddabasappa Setty

ACCEPTED Narasimhaiengar
adv for Res.

Signed before me by the executant who is known to me.

B. S Iyengar, Printer, B.-City.

BEFORE THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

Muzrai Review No. 5 of 1931-32.

Appellant		Respondent.
Desada Siddabasappa Setty Kuber Sahuji Lane, Bangalore City and others.	Vs	N. Basettappa, Handi Merchant residing at Wanavarthapet Bangalore City.

SUBJECT.

Prayer that Government may be pleased to hear the parties once again, to reconsider the orders passed in Muzrai Appeal No. 12 of 1930-31, to take over the management of Dodmutt at Akkipet Bangalore City and make suitable arrangements for the proper administration of that public religious institution.

ORDER:

Government see no reason to reconsider the orders already passed. The petition is therefore rejected.

Memo No. 484/Muz 74-31-2 dt 3.10.31

Copy of the above is forwarded with compliments to the Muzrai Commissioner in Mysore in continuation of this office Memorandum No. 2589/Muz 174-30-9 dated 4th June 1931.

By Order,

Sd/- B.Srinivasa Iyengar.

For Secretary to Government
Financial Department.

Memo No. 485 dt 3.10.31

Copy to Mr. N.V.Narasimha Iyengar, B.A., B.L., Advocate for the petitioner, Chikpet, Bangalore City.

By Order,

V Subahmanyasastri

For Secretary to Government
Financial Department.

(G)

Before the Government of His Highness the Maharaja of Mysore.

Mazar ~~Appeal~~ Review No. 5 of 1931-32

Appellant.	Vs.	Respondent
Desada Siddabasappa Setty. Kuber Sahuji Lane Bangalore city & others		N. Basappa Mandi Merchant residing at Mandi Mohalla Bangalore city

Subject.

Prayer that Govt. may be pleased to hear the parties once again, to reconsider the orders passed in Muz. appl. no 12 of 1930-31, to take over the management of Dodmutt at Akkipet Bangalore city and make suitable arrangements for the proper administration of that public religious institution.

Order

Govt. see no reason to reconsider the orders already passed. ~~and to interfere into the affairs of the Mutt.~~ The petition is therefore rejected.

Copy of the above is forwarded with

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Compliments to the M.C. in continuation of this office memo no. 2589/Mez 174 of 4-6-1931

B.

2.10.31 For Sec to Govt
Fl Deptt

Copy to 1. N. V. Narasimhaiangar
B.A. B.L., Advocate for the petitioners
Chickpet Bangalore City.

B. O

2.10.31 For Sec to Govt
Fl Deptt.

GS
2/10

Pages 1 - 12